1: Gifford

OU9 Tonga OU9

554
589
831
884

[For information on the status of virgins, see Category 836.]

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

There is a mound at Siesia, Nukunukumotu Island, known to be the place of burial of the umbilical cord of a woman of rank, named Mafitoutai.

Nothing was learned of any special attitude towards twins (*mahanga*), except that they were thought desirable.

An attempt is made to flatten the nose of the infant by pressure frequently applied with the fingers. Large calves and small ankles, which are regarded as a mark of beauty, are sought to be developed by frequent massaging of the flesh of the child from the ankle upward and from the knee downward.

GIRLS' PUBERTY OBSERVANCES

A lock of hair over one temple (called *fangafanga*) was worn by young girls until virginity was lost. Thereafter the hair was cut short (shaved, one informant said) from the forehead straight back to the neck. This was done as soon as the loss of virginity became known, and whether the loss was due to marriage or illicit relations. The daughter of a great chief might wear all her hair of her head at full length until her marriage, but not thereafter. The term *fakahaalavaka* was used to designate the particular style in which a chiefly girl of the Haa Havea wore her hair as a sign of virginity. Baker (2) uses this term as the designation of long hair worn as a sign of virginity by any girl.

Chiefly families still observe the ancient ceremonies connected with the incipiency of womanhood. These observances were formerly general. When the first period of a daughter of a great chief arrives, her mother is notified and then her father informed. The mother will say to him: "Our daughter has commenced to menstruate today." The girl is then forbidden to bathe during this first period, because of the belief that it would stop the flow. She is painted all over with turmeric by her mother on the first day and then put to bed, as though she were sick, to remain for the rest of the period. While she is lying in bed a big feast is held, given by her father, but supervised by the father's sister. Gifts are distributed by the mother. When the flow ceases, the girl bathes. She is accompanied by an old female attendant. She and the old woman chew *tuitui* (candlenut), *langakali* flowers, *nukonuka* flowers, and *pako* grass root, or other sweet-smelling plants. These masticated plants are rubbed over the body before bathing and the candlenut is used as soap.

No deity had charge of the girl during her period. Girls were not married before first menstruation.

The first period of the daughter of the Tui Tonga was marked by the following observances. The girl was painted with turmeric, she was forbidden to bathe, and she slept on and under black tapa to hide the blood

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

[1812-1845]

of Nukualofa, the friends of Tupoutoa were like the seaweed that is taken by the current, they separated themselves and stayed as though they had joined Tonga. Only Ulakai, the paternal half brother of Tupoutoa, came with a few men. When the fleet arrived at Uiha they took Tupoutoa's body on shore. And after the *toloveifua* ceremony (presentation of gifts to bereaved) and the *ta-mee* (dancing) and the ceremonies of the funeral were over, Ulakai was appointed king at Veilupesia (in Uiha). That commenced the disturbance at Haapai.

Neither Haapai nor Vavau had any love for Ulakai, because of the separation of Nukualofa from them. Fuapau joined Tui Haa Ngana and they took Ulakai to Haa Ngana as though they had joined together; and Uhila stayed at Uiha and the Lulunga (western Haapai) people went to Tungua. The Lofanga people went to their own island. Laufilitonga (later Tui Tonga) went to Velata and dug strong fortifications there. Tuita went to Pangai and Ulukalala went to Toa. Each dug his fort. They did not dig fortifications for war but for protection, as no one had been appointed as supreme ruler over them. They did this while waiting for the *toloveifua* that was said to be coming from Tonga. Taufaahau (later King George I) was still going about as a youth with Ulukalala, because he had not reached his thirtieth year. Vavau rose up and dug fortifications: the forts of Lua and Vuki at Feletoa stood for Haapai. Tonga waited, then sent three vessels. It was not war, they came only to see Ulakai. They chose the bravest warriors in Tonga to come. The ship with three houses on deck (*falevakatolu*) and the canoe with two houses on deck (*falevahaua*) and the ship with eight houses on deck, all had come because Haapai was in confusion. The Tui Haa Teiho sided with Fuapau and Ulakai. They had come trusting to that perhaps. They all assembled at Haano, the vessels from Tonga, Haapai, and Ulukalala's vessels from Vavau. Ulukalala's vessels went perhaps to see what the other vessels were doing. There was an entertainment which was called *mangisi* (feast prepared for strangers) because there was a vessel that had just arrived from Fiji.

The vessels were prepared and approached like the *veli* (a water insect like a centipede). They said, "Fight," and Fuapau answered, "Fight." Fuapau was not still siding with Ulakai and the vessels from Tonga, but with Haapai's party. But Tui Haa Teiho still sided with Ulakai and his vessels and was one with them. Ulukalala and his vessels stayed at a distance at Lolokо and did not go to the feast. Only a few of them went and the war was suppressed. After that Ulakai returned to Tonga. Then Haapai settled down in peace. Vessels were prepared to take Ulukalala to Vavau and all Haapai went. Some people of the chief Vuki were murdered and there was nearly war. But Ulukalala's people were crafty and soon they were reconciled, and Ulukalala went and dwelt at Feletoa. The Haapai people returned to their own island. And they dwelt thus as though Vavau were submissive to Vuki. They watched each other like two male turtles, smooth on the surface only.

One day Vuki went down to have a bath in the stream Tufutele. When he came out of the water he met Ulukalala in the road. They conversed pleasantly, and Ulukalala invited him to go with him to his place and have some kava. Messages were sent to Ulukalala's people to come and make the kava and Vuki was asked to stay in the inclosure of Finau (Ulukalala) while men were sent to club Vuki's people, the people that had clubbed Taliauli-Malohi. Vavau subsided and proved the truth of the saying of Taufaahau: "Vavau is like a handful of dry sand." They let down Vuki whom they had upheld, while they turned and upheld Ulukalala. It is true what Satulo says, "I will not be friendly with a double tongued people." Vuki was banished to Haapai and Finau (Ulukalala) was supreme ruler at Vavau. He portioned out the land at Vavau and he gave each of the chiefs a piece of land. The piece of land called Leimatua belonged to Taufaahau. Finau (Ulukalala) knew that that piece of land was Taufaahau's, so he ill treated the people. Taufaahau knew that the people were ill treated because of him, so he sent word to the elders (or principal men) to go and tell Finau that he had given back the land to him, to please himself as to whom he would give it. It was done, and Taufaahau withdrew. Just about that time

18: Collocott M-5 (no date) 1923 OU9 Tonga OU9

the choice of their partners. The young man anticipates the interview with the lady's parents with much the same feelings of confidence or trepidation as animate the breast of his European contemporary in like circumstances. It is not always the good will of the girl's own father that must be won, as his inclinations may often be overborne by his elder brothers, or by his sisters—the "brothers" and "sisters" may of course be cousins near or distant—who are his superiors in the family conclave. The chances are that the lovers' wishes will be met, but the young lady does not as a rule pine in the face of an adverse decision, and the disappointed swain is more likely to find comfort in the reflection that there are other pebbles on the beach, than to indulge gloomy musings upon the unkind fate that has stood between him and his soul-mate.

Occasionally head strong youth refuses to acquiesce in the parental prohibition, and the lovers elope. If they are both of age the Government permit to marry cannot be withheld, the religious ceremony follows as a matter of course, and the happy, or almost happy, couple wait with a confidence, which experience usually shows to be well founded, that the resentment of their kin will be short-lived, and that, like the philosophers they are, they will accept the inevitable, and acknowledge the undutiful son and daughter by a performance of the proper nuptial rites.

The youth who goes a-courting is frequently moved to call the muse to his aid, and to tell his adoration in "songs of sweet-scented flowers," compositions which, though rather rough in form, display much poetic feeling both for love and some of the beauties of nature.

The old practice seems to have been for the matron's hair to be cut differently from the maiden's. The virgin wore two long locks at the back of the head, but at marriage these were cut off, and the hair then allowed to grow an equal length all over the head. Although marriage was marked by extensive ritual the bond was easily terminable. No life-long guarantees were expected or given. Late in the eighteenth century one of the artisans in the party sent by the London Missionary Society to Tonga fell in love with a Tongan girl, and a date was fixed for the marriage. Previous to the ceremony the missionaries explained to the young lady the nature of the bond she was about to contract, but at the mention of a life-long union she promptly refused to go on with the matter. She was quite prepared for a union for as long as their mutual liking dictated; but would not be bound "till death do you part."

The great chiefs had numerous harems, but it cannot be inferred that there was any degrading inferiority of women. The Tongan, indeed, is justly proud of the position which his women-folk have always enjoyed. Genealogies show that great ladies frequently had many lovers. The system was free and easy, and the women fared

31: Nayacakalou E-4,5 (1957-1958) 1959
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per annum for each holding of about eight acres. In dealing with the land I could not hope to rid myself of these superfluous landlords, but I could, without evoking dangerous opposition, deprive them of all power over their estates. I determined to make the Crown collect their rents and pay it over to them, while reserving to itself all rights of granting allotments and evicting tenants. Thus for all practical purposes the land still belonged to the State; for so long as the rents were paid to the lords of the manor, the Government was virtually the landlord, and the king had voluntarily made over to the Treasury all rents due upon the lands not included within any "inheritance".

Thus the changes affected, while they resulted in a reshuffle at the top of the structure, left the individual family man in much the same position as before. This last point is put most succinctly by the Beagleholes in a passage in their book:[11]

> The villager therefore no more owns his land today than he did in aboriginal times. A former produce "rent" or tribute is now paid in tax money. Present day security of occupancy is probably for many Tongan commoners greater than formerly when the will or caprice of a high official was the only fiat that counted. But in general, the villager has the same type of economy-status claim to his land and its produce as he had under the old system of Tongan land ownership and feudal control.

2—The Present Statutary Framework

Today all the land in Tonga belongs to the Tongan Crown; but the traditional "inheritances" referred to by Thompson, which correspond to the holdings of the "barons" of former times, are now classified into Royal Estates, the estates held by members of the Tongan Royal Family as their traditional holdings; Noble Estates, the estates held by members of the nobility as their forefathers had done under the king in former times; and Government Estates, the remaining estates which are now under the direct control of the Government of Tonga.[12] The first two categories are often referred to as hereditary estates to distinguish them from Government estates and are now heritable at law as they were by custom. Each such estate is known as a *tofia* and may run into a thousand or more acres; each member of the Royalty as well as of the nobility may hold several of them in different parts of the kingdom (see fig. 1 for distribution of *tofia* on Tongatapu). From them, allotments are granted to individual Tongans.

On reaching the age of sixteen years, every male Tongan is entitled to receive a grant of 8¼ acres[13] of bush land as a tax allotment and a

[11] Beaglehole 1941:19-20.

[12] I am uncertain as to how these estates came to be in the hands of the Government. See passage from Thompson 1894:230-231, already quoted.

[13] One often wonders why the awkward figure of 8¼ acres. Traditionally the allotments made to individual Tongans measured 100 fathoms x 100 fathoms = 40,000 square yards. 8¼ acres = 39,930 sq. yds.; hence it is simply the traditional measure taken to the nearest ¼ of an acre.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

grant of not more than 1 rood 24 perches in a town or village area as a town allotment. Each allotment is called an *api;* the former *api tukuhau* and the latter *api kolo.* There appear to be only two legal restrictions on where the allotments may be located: the tax allotment and the town allotment must be in the same locality[14] and the holder of an hereditary estate may refuse a grant to someone from a different area if there is not enough land on his *tofia* for all the people living in his own locality. Subject to these reservations, a man who applies for an *api* will normally be granted one if land is available, whether the estate is Royal estate, Noble estate or Government estate.

Although no one may hold more than one *api tukuhau* and one *api kolo,* a man may receive a block of bush land of 12½ acres at a rental of 4/- per annum if he forgoes his *api kolo.*[15] Holders of land on hereditary estates may, in addition to the *api tukuhau* already in their possession, be granted a lease of an area not exceeding 5 acres at a nominal rental for a period not exceeding 50 years. Holders of tax allotments on Government estates may be given a lease over a greater area for the same period provided that the lease does not exceed the area of the allotment they already hold.

Each tax allotment carries a tax of 8/- a year and may be forfeited if the holder defaults from paying this amount for three consecutive years. The amount is collected by the Government which pays it over to the member of Royalty or of Nobility from whose estate it comes, or holds it as Government revenue if it comes from a Government estate. But of moneys received as rent from leases on hereditary estates, only 90 per cent goes to the holder.

As the Crown owns all lands, all applications for grants must be made to the Minister of Lands; applications for leases must also be made to him, but can only be authorized by Cabinet. The Minister approves grants only under certain conditions. No land holder may sell his holding or dispose of it in any way; nor may he enter into any agreement for profit or benefit regarding the use or occupation of his land other than in the manner prescribed by the Land Act. An alien may not hold or occupy land except as provided for in the Act, and a land holder may not permit an alien to reside on his holding unless the alien has obtained a permit or lease. An allotment holder must, within one year from the date of his grant, have growing on his allotment 200 coconut trees planted at intervals of 30 feet and must keep his holding free from weeds. He is not allowed to mortgage or make an agreement pledging or charging his growing crops. And he may not be expelled from his allotment by the holder of the *tofia* except on the authority of the Minister of Lands.

While disposal of land by individuals is absolutely forbidden by law, there are provisions in the Land Act by which land may be inherited.

[14] i.e. village locality. This is not coterminous with the *tofia* area, for people in one village may hold land in different *tofia.* This restriction simply means that a man who holds a town allotment in one village cannot hold a tax allotment in another village or in another part of the kingdom.

[15] i.e. he can have the equivalent of 1¼ *api* at half the price of one. For a fuller treatment of the land law of Tonga, see Heek 1949.

Those kinsmen who help and are invited vary according to the scale of *fakaafe*. For example, 16 gave one of the biggest *fakaafe*. Those who gathered for cooking on this occasion were his half brother (24), his mother's half brother (28) with his son (23), his father's father's brother (22), his wife's brother (15), and 21's daughter's husband, between whom and 16 the relationship was not clear. They all belong to the Free Wesleyan Church except 15 and 21's daughter's husband, who are Mormons. The villagers stress that the feast is offered to the God, not for themselves, and they know that the feast is under the prescription of the church. The privilege of giving the feast is conferred by the steward, who also selects *malanga* to be invited, but those who help and attend it are not necessarily the same sect members. In case of 2, a member of the Free Church of Tonga, he invited his mother's sister's sons with their wives (33) and 9's daughter of twelve years old, all of whom are Catholic, and his daughter with her husband (8), members of the Free Wesleyan Church. He invited no one except *malanga* from his own church. Mutual help among relatives is still found on such an occasion of religious character. Yet, this does not mean that those who participate are selected on the basis of *famili* or *famili* organisation. There seems no particular rule for selecting the participants.

On the last day of *uike lotu* (a prayer week in the beginning of the new year), Pualiki gave one of the biggest feasts in the name of his second son. Eighteen pigs and more than twenty chickens were cooked for this feast, and over twenty men helped the famil yin preparation. Pualiki was helped by one or two men each from 14, 10, 1 (his sons' households), 34, 18, 31 (his brothers' households), 7, 6, 20, 23 (the households of his mother's relations); four men from 4 (the household of his father's relation); three men from 9 (the household not related).

It is difficult from this list to determine which side of his relations helped him more.

Land Use

According to Tongan law, every male Tongan on reaching sixteen years of age, is entitled to receive a grant of 8½ acres as *api tukuhau* and 1 rood 24 perches as *api kolo*. But the actual circumstance is not always in accord with the law. Even in Nukuleka, which is the Government Estate, only 21 men over sixteen years of age have *api tukuhau*, while 28 have not. Among the 28 men, there are those who are not married or, even if married, are still living with their father or wife's father or elder brother who have *api tukuhau* in the same households. The remaining 11 men out of the 28 keep nevertheless their own independent households. The following are the relations from whom these 11 men borrow part of *api tukuhau* for cultivating: father; mother (she has received it from her second husband); mother's half brother; grandfather and his brothers; father's mother's sister's son; the third cousin; wife's father; wife's mother; wife's brother and her sister's husband; one who is not related; Catholic Church.

It is evident that all except two men borrow the land from their *famili* or wife's *famili*. *Famili* members should help each other. They

17

86: Marcus E-4,5 (1972-1975) 1977 OU9 Tonga OU9

The foundation of the reforms which transformed the old order lay in the land tenure system initiated by Tupou I, and which has remained largely unchanged since 1891. The major feature of this system is the granting and inheritance of land solely on an individual basis. Every Tongan male, aged 16 and over (at 16, Tongan males legally become taxpayers), is entitled to not more than 8½ acres of bush land, called a tax allotment, and a small town allotment on which to build a house. The hereditary tax and town allotments pass from father to eldest son. Legally defined annual rents or tax allotments to be paid either to the government or noble landlords are nominal, and these are often neither collected nor paid by the small-holder. No land in Tonga can be sold to foreigners, but leasing is permitted under strict government control. This individualized land tenure system served to transfer the prerogative of land distribution from local chiefs and lineage heads of local descent groups in the old order to the monarchical government.

Overlaying this prospective patch-work division of Tongan society into family farms were the grants of landed estates or *toft'a* to selected hereditary chiefly lines of the old order, constituted as a nobility. In contrast, the majority of pre-Tupou chiefs still informally pass on their titles, which now have only ceremonial or ritual significance, but they have effectively been reduced to the same legal and social status as all other small-holding farmers.

From the end of Tupou I's reign to the present, nobles as landlords have been legally restrained in their control of both the people and the lands of their estates. They cannot arbitrarily control the rents, services, or tenure of their small-holding tenants. They can hold undistributed land on their estates for themselves and can select holders in the distribution of unallocated land, but even this latter prerogative is mediated by the final approval of the Minister of Lands. Given land shortage, the import of the noble's personal distribution of available holdings is diminishing, but also as a result, this prerogative has been the focus for much of the traditional and current abuse of the nobility's rights in control of its estates (in the form of receiving bribes and services outside the law). Land which is not divided into hereditary noble *toft'a* is either Crown estates or the personal estates of the King and Royal Family.

Land practice has never scrupulously followed the definition of the legal provisions, either when land was more plentiful or now that land is scarce. For instance, several noble landlords have thus far enjoyed considerable traditional prestige among the people of their estates which has given them more actual control of their estates than the law grants them. Also, the distribution and management of individual holdings has in general occurred in the context of broader kin networks and decision-making processes than might be expected from the ideal distribution and control of land in independent nuclear family units, as suggested by the legal definition of land tenure (see Marcus, 1975a). Nonetheless, the legal provisions of land tenure have shaped

86: Marcus E-4,5 (1972-1975) 1977 OU9 Tonga OU9

hereditary estates and routine landholding in the form of hereditary tax allotments. The noble is privileged to hold and pass on large estates, but this privilege is in fact of the same sort, albeit of a different scale, that commoners enjoy in the devolution of their much smaller estates, the tax allotments. In this sense, landholding under the law in land-scarce Tonga at whatever level, defines privilege, which is revealed in a comparison of the similarities, if not redundancy, of succession statutes applied to estates (of landed nobles) and tax allotments (of landed commoners) alike.

The major features of the succession to hereditary lands and titles as stated in Clause 111 of the Constitution and the statutes of the Land Act are: the heir must have been born in wedlock (of a formal Christian marriage). He should be the eldest male child; failing him, then any other male child (and his descendants) by seniority of age; failing him, then any female child (and her descendants) by seniority of age. Failing an heir in the direct line of succession, the title and lands revert to the line of brothers of the previous holder and their descendants in order of seniority. Failing a male heir in the line of brothers, succession proceeds through the lines of sisters.

A special stipulation pertaining to hereditary estates is that "should a female be next in succession to the title of a noble or of an hereditary chief the next male heir shall inherit the title and estates. But should such female afterwards have a legitimate issue the title and estates shall revert to the male issue of the female upon the death of the male in possession of the estate . . ." (Clause 111). Should there be no legitimate heirs to an hereditary title and estates, according to the above rules, they revert to the King for reappointment at his prerogative. No person can succeed who is insane or has been convicted of a felony since the granting of the Constitution. Nor can any person who is not of Tongan nationality succeed to land or titles.

There is a statute (Clause 40) which provides for the appointment of a Trustee by the monarch to represent and manage an hereditary title and estates which are vacant, but for which there is an heir who is still a minor (under 21 years). Trusteeship was an ambiguous issue in early succession cases because it was often not clear whether the intent of a deceased monarch (Tupou I or Tupou II) was that a person holding a title should succeed to it instead of the heir or whether he was a mere representative in the heir's minority. Such a situation was especially ambiguous when the appointee and supposed trustee was a younger brother of the previous holder, had been installed in the customary manner by the appointing monarch, and used the title and lands as if he were the proper title-holder (e.g., by attending parliament). Of course, the law was unambiguous as long as there was in fact an eldest male child heir of the previous holder. Rather, the ambiguity resided among the parties in dispute and was based on a surviving attitude, regardless of the law, that younger brother